

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HOFFMANN-LA ROCHE INC.,

Plaintiff,

v.

APOTEX INC. and APOTEX CORP.,

Defendants.

Civil Action No. 07-4417 (SRC) (MAS)
Civil Action No. 08-3065 (SRC) (MAS)
Civil Action No. 08-4053 (SRC) (MAS)
(consolidated with 07-4417 for all purposes)

ORDER

HOFFMANN-LA ROCHE INC.,

Plaintiff,

v.

DR. REDDY'S LABORATORIES,
LTD. and DR. REDDY'S
LABORATORIES, INC.,

Defendants.

Civil Action No. 07-4516 (SRC) (MAS)
Civil Action No. 08-3607 (SRC) (MAS)
Civil Action No. 08-4055 (SRC) (MAS)
(consolidated with 07-4516 for all purposes)

HOFFMANN-LA ROCHE INC.,

Plaintiff,

v.

COBALT PHARMACEUTICALS INC.,
and COBALT LABORATORIES, INC.,

Defendants.

Civil Action No. 07-4539 (SRC) (MAS)
Civil Action No. 07-4540 (SRC) (MAS)
Civil Action No. 08-4054 (SRC) (MAS)
(consolidated with 07-4539 for all purposes)

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HOFFMANN-LA ROCHE INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 07-4582 (SRC) (MAS)
	:	Civil Action No. 08-4051 (SRC) (MAS)
ORCHID CHEMICALS &	:	(consolidated with 07-4582 for all purposes)
PHARMACEUTICALS LTD., ORCHID	:	
HEALTHCARE, ORCHID	:	
PHARMACEUTICALS INC., and	:	
ORGENUS PHARMA INC.,	:	
	:	
Defendants.	:	
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HOFFMANN-LA ROCHE INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 07-4661 (SRC) (MAS)
	:	Civil Action No. 08-4052 (SRC) (MAS)
	:	(consolidated with 07-4661 for all purposes)
GENPHARM INC. and GENPHARM,	:	
L.P.,	:	
	:	
Defendants.	:	
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CHESLER, U.S.D.J.

This matter comes before the Court on the applications by Plaintiff Hoffman-La Roche Inc. (“Roche”) and Defendants Cobalt Pharmaceuticals Inc. and Cobalt Laboratories, Inc. (collectively, “Cobalt”), Apotex Inc. and Apotex Corp. (collectively, “Apotex”), Dr. Reddy’s Laboratories, Ltd. and Dr. Reddy’s Laboratories, Inc., Orchid Chemicals & Pharmaceuticals Ltd., Orchid Healthcare, Orchid Pharmaceuticals Inc., and Orgenus Pharma Inc., Genpharm Inc. and Genpharm, L.P., for claim construction to resolve disputes over the construction of claim terms in U.S. Patent Nos. 4,927,814 (the “814 patent”), 7,192,938 (the “938 patent”), and 7,410,957.

The Opinion in these consolidated cases has been filed on the docket of Civil Action No. 07-4417, and this Order is based on the reasons stated in that Opinion.

As to the '814 patent, the disputes are resolved as follows: 1) the claim term NMNP excludes the salt form of the acid; 2) "physiologically active salt" means a salt of ibandronic acid that is physiologically active; 3) "administering" stops at the point at which the patient has received the medication; and 4) "pharmaceutical composition" means a composition that exists outside the body. As to the '938 and '957 patents, the Court concludes that the claim terms in claim 1 of the '938 patent, "commencing treatment," "a first dose, on a single day," and "once monthly on a single day," and the similar terms in claim 1 of the '957 patent, should be construed to refer to the time frame of the treatment episode, not the patient's lifetime.

SO ORDERED.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.

Dated: May 7, 2010